



RCE/1645/A

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|------------------|
| Application Number | 09/708,352 |
| Filing Date | November 8, 2000 |
| First Named Inventor | Leonard |
| Group Art Unit | 1645 |
| Examiner Name | V. Ford |
| Attorney Docket Number | 02108.0001U2 |

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment under 37 C.F.R. § 1.116 previously filed on January 21, 2003
Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37. C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

3. Fees

- a. ☐ Check in the amount of \$ enclosed for the fees designated below.
- b. ☒ Payment by credit card in the amount of \$840.00 for the fees designated below. (Form PTO-2038 enclosed).
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- c. ☐ The Director is hereby authorized to charge the amount of \$ for the fees designated below to Deposit Account No. 14-0629.
- d. ☒ Fees
- ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- ☐ Other
- e. ☒ The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 14-0629.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------------|-----------------------------------|---------|
| Name (Print/Type) | Gwendolyn D. Spratt, Esq. | Registration No. (Attorney/Agent) | 36,016 |
| Signature | Gwendolyn D. Spratt | Date | 5-19-03 |

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or include, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

| | |
|------------------------------------|---|
| Name of Person Mailing(Print/Type) | Gwendolyn D. Spratt, Esq. Janell T. Cleveland |
| Signature | Janell Cleveland |
| Date | 5-19-03 |



ATTORNEY DOCKET NO. 02108.0001U2
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Leonard *et al.*)

Application No. 09/708,352)

Filing Date: November 8, 2000)

For: "Vaccines for *Mycoplasma Bovis* and
Methods of Use")

Art Unit: 1645

Examiner: Ford, V.

Confirmation No. 1597

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PRELIMINARY AMENDMENT AND RESPONSE

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Customer No. 23859

Sir:

In view of the Notice of Appeal filed by Applicants in the captioned matter on December 18, 2002, and in response to the Advisory Office Action dated April 25, 2003, Applicants submit herewith a Request for Continued Examination. Please consider the remarks, arguments, and preliminary claim amendments offered below.

This Amendment is submitted in the form authorized by the PTO Notice "Amendment in a Revised Form Now Permitted" and pursuant to the waiver of 37 C.F.R. § 1.121 contained therein.

Amendments to the Claims are reflected in the listing of claims which beings on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.